

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 215662

62

ORIGIN L-03

INFO OCT-01 EA-11 ISO-00 CU-04 IO-14 SCI-06 CIAE-00 INR-10

NSAE-00 RSC-01 USIA-15 JUSE-00 /065 R

DRAFTED BY L/EA:CEROH/CBF

APPROVED BY L/EA:EGVERVILLE

EA/TB:VTOMSETH

CU/EA:WJCUNNINGHAM

----- 009112

R 012128Z NOV 73

FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK

LIMITED OFFICIAL USE STATE 215662

E.O. 11652: N/A

TAGS: TPHY, SGEN, TH

SUBJECT:ARCHAEOLOGICAL AND CULTURAL PROPERTY

REF: BANGKOK 14287

1. DEPARTMENT APPRECIATES THAI CONCERN ABOUT PROTECTION OF ARCHAEOLOGICAL AND CULTURAL PROPERTY AND WOULD NOT WISH TO CLOSE DOOR ON POSSIBLE US-RTG BILATERAL TREATY. HOWEVER, BEFORE PURSUING BILATERAL TREATY ROUTE, WITH WHICH WE SEE CERTAIN DIFFICULTIES, WE WOULD ENCOURAGE RTG TO EXAMINE RECENT UNESCO CONVENTION ON CULTURAL PROPERTY AS A MEANS OF MEETING RTG CONCERNS. THAT CONVENTION REPRESENTS MAJOR MULTILATERAL EFFORT TO DEAL WITH PROBLEM ON GLOBAL BASIS, AND WE ARE HESITANT TO UNDERTAKE FURTHER BILATERAL INITIATIVE IN ADVANCE OF OPPORTUNITY TO GAUGE EFFECTIVENESS OF UNESCO CONVENTION. WE NOTE THAT RTG, WHILE A MEMBER OF UNESCO, IS NOT PARTY TO CONVENTION ON CULTURAL PROPERTY. (U.S. WILL RATIFY CONVENTION UPON ENACTMENT OF REQUIRED IMPLEMENTING LEGISLATION NOW PENDING BEFORE CONGRESS).

2. US IS IN FACT A PARTY TO ONLY ONE BILATERAL TREATY ON PROTECTION OF CULTURAL PROPERTY, THE US-MEXICAN TREATY OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 215662

JULY 17, 1970. WE CONSIDER THAT TREATY INAPPROPRIATE AS A

MODEL, HOWEVER, INASMUCH AS IT IS A PRODUCT OF UNIQUE SET OF CIRCUMSTANCES, INCLUDING ESPECIALLY LONG HISTORY OF COOPERATION BETWEEN USG AND GOM ALONG COMMON BORDER IN RECOVERY AND RETURN OF STOLEN VEHICLES UNDER TREATY

OF 1936, UPON WHICH 1970 CULTURAL PROPERTY TREATY PATTERNED. FYI. FURTHERMORE, COOPERATION OF DEPARTMENT OF JUSTICE ESSENTIAL TO SUCCESS OF THAT TREATY, AND DEPARTMENT OF JUSTICE HAS INDICATED THAT IT IS NOT PREPARED TO PERFORM SIMILAR FUNCTION WITH RESPECT TO COUNTRIES OTHER THAN MEXICO. END FYI SCOPE OF TREATY WITH MEXICO LIMITED TO OBJECTS OF "OUTSTANDING IMPORTANCE," A LIMITATION WHICH, FOR REASONS OF POLICY AND ADMINISTRATIVE CONVENIENCE, USG WOULD REQUIRE IN ANY FUTURE BILATERAL TREATY WHICH WE MIGHT CONSIDER.

3. RTG SHOULD BE AWARE THAT IN APPROPRIATE CASE US STATUTES, SUCH AS 18 U.S.C. 2314 (MAKING IT A CRIME TO KNOWINGLY TRANSPORT IN INTERSTATE OR FOREIGN COMMERCE STOLEN PROPERTY VALUED IN EXCESS OF \$5,000), HAVE BEEN USED TO EFFECT THE RECOVERY AND RETURN OF STOLEN ARTIFACTS. SHOULD THE RTG POSSESS INFORMATION OF ANY CASE POTENTIALLY FALLING WITHIN SCOPE OF THAT STATUTE, WE ARE VERY WILLING TO FORWARD SAME TO APPROPRIATE USG LAW ENFORCEMENT AGENCY FOR THEIR CONSIDERATION. MOREOVER, FEDERAL AND STATE COURTS OF COMPETENT JURISDICTION ARE OPEN TO FOREIGN GOVERNMENTS AS PLAINTIFFS IN CIVIL ACTIONS AIMED AT RECOVERY OF MATERIAL TO WHICH THEY CLAIM TITLE, IN ACCORDANCE WITH TRADITIONAL COMMON LAW PRINCIPLES.

4. WE ARE AIR POUCHING COPIES OF US-MEXICAN TREATY AND UNESCO CONVENTION FOR INFORMATION OF EMBASSY AND RTG. IN LIGHT OF FOREGOING, EMBASSY SHOULD MAKE CLEAR TO RTG INAPPROPRIATENESS OF US-MEXICAN TREATY AS MODEL FOR ANY USG-RTG BILATERAL. WE WOULD ENCOURAGE RTG TO EXAMINE RELEVANT US LAW AND UNESCO CONVENTION, WHICH WE BELIEVE MAY MEET THAI NEEDS. HOWEVER, WHILE WE ARE NOT ENTHUSIASTIC ABOUT BILATERAL TREATY, DEPARTMENT WOULD NOT WISH TO FORECLOSE CONSIDERATION OF RTG INITIATIVES IN THE LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 215662

EVENT ABOVE ALTERNATIVES UNSATISFACTORY TO THAIS. WE WOULD, OF COURSE, REQUIRE FURTHER INFORMATION ON NATURE AND SCOPE OF AGREEMENT ENVISIONED BY RTG. KISSINGER

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 01 NOV 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: collinp0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE215662
Document Source: CORE
Document Unique ID: 00
Drafter: CEROH/CBF
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19731160/aaaabshw.tel
Line Count: 110
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: BANGKOK 14287
Review Action: RELEASED, APPROVED
Review Authority: collinp0
Review Comment: n/a
Review Content Flags:
Review Date: 05 DEC 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <05-Dec-2001 by smithrj>; APPROVED <05 MAR 2002 by collinp0>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RCHAEOLOGICAL AND CULTURAL PROPERTY
TAGS: TPHY, SGEN, TH
To: BANGKOK
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005